

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
v.	:	CRIMINAL NO. 19-414
IMAD DAWARA BAHAA DAWARA	:	

ORDER

AND NOW, this day of , 2019, this Court finds as follows:

1. This case is so unusual and complex, due to the nature of the prosecution, the large number of witnesses, and the volume of discovery materials, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial within the time limits established by the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(8)(B)(ii).

2. This Court has determined that this case is unusual and complex for the following reasons:

a. The indictment in this matter charges two defendants in ten counts, alleging conspiracy to commit arson, conspiracy to use fire to commit a federal felony, malicious damage by means of fire of a building used in interstate commerce, wire fraud, mail, use of a fire to commit a federal felony, and aiding and abetting.

b. The evidence and discovery in this case is voluminous, and includes a large number of videos and documents.

c. The evidence also includes numerous statements from witnesses, including grand jury transcripts from some of these individuals.

d. The government intends to provide the discovery to defense

counsel on a hard drive provided by defense counsel.

e. After counsels' review of the discovery, which will take several weeks, the defendants are likely to file pretrial motions. Given the complexity of this case, these motions will likely will require pretrial litigation.

f. The government advised this Court that defense counsel has no opposition to the Motion.

3. The ends of justice served by this continuance outweigh the best interests of the public and the defendants in a speedy trial. *See* 18 U.S.C. § 1361(h)(7)(A).

4. The failure to grant a continuance will likely result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(A), (B)(i).

5. This continuance is not being granted because of general congestion of the Court's calendar, or lack of diligent preparation or failure to obtain witnesses on the part of the Government's attorneys. *See* 18 U.S.C. § 3161(h)(7)(C).

THEREFORE, it is hereby ORDERED

Pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(i), and (B)(ii), that this case is continued beyond the time established by the Speedy Trial Act, and that the delay resulting from this continuance shall be excluded from speedy trial calculations because the ends of justice served by such continuance outweigh the best interests of the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED, this ____ day of _____, 2019.

BY THE COURT:

HONORABLE JUAN R. SANCHEZ
Chief Judge, United States District Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
v.	:	CRIMINAL NO. 19-414
IMAD DAWARA	:	
BAHAA DAWARA		

MOTION FOR SPEEDY TRIAL ACT CONTINUANCE

The government requests, pursuant to Fed. R. Crim. P. 47 and Section 3161(h)(7)(A) of the Speedy Trial Act, a Speedy Trial Act continuance in the above-captioned matter. In support of this motion, the government states:

1. The indictment in this case was filed on July 18, 2019, and unsealed on October 17, 2019.
2. The indictment in this matter charges two defendants in ten counts, alleging conspiracy to commit arson, conspiracy to use fire to commit a federal felony, malicious damage by means of fire of a building used in interstate commerce, wire fraud, mail, use of a fire to commit a federal felony, and aiding and abetting.
3. The evidence and discovery in this case is voluminous, and includes a large number of videos and documents.
4. The evidence also includes numerous statements from witnesses, including grand jury transcripts from some of these individuals.
5. The government intends to provide the discovery to defense counsel on a hard drive provided by defense counsel.
6. After counsels' review of the discovery, which will take several weeks,

the defendants are likely to file pretrial motions. Given the complexity of this case, these motions will likely will require pretrial litigation.

7. The government has conferred with defense counsel and understands that there is no opposition to the Motion

8. The ends of justice served by this continuance outweigh the best interests of the public and the defendants in a speedy trial. § 18 U.S.C. § 3161(h)(7)(A).

9. The failure to grant a continuance will likely result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(A), (B)(i).

10. The delay resulting from the requested continuance should be excluded from Speedy Trial Act calculations because the ends of justice served by such a continuance outweigh the best interests of the public and the defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

WHEREFORE, for the foregoing reasons, the government submits that the ends of justice will be served by granting a continuance beyond the time limits established by the Speedy Trial Act and respectfully requests that this motion, requesting a Speedy Trial Act continuance and to have the above-captioned case declared complex, be granted.

Respectfully submitted,

WILLIAM M. McSWAIN
United States Attorney

/s/Jeanine Linehan
Jeanine Linehan
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that this Motion for Speedy Trial Act Continuance has been served by the district court clerk's electronic filing system upon:

Todd Edward Henry, Esquire
Gerald Stein, Esquire

/s/ Jeanine Linehan
Jeanine Linehan
Assistant United States Attorney

Dated: October 30, 2019